



FEBRUARY 17, 2009

AGENDA
FREMONT CITY COUNCIL WORK SESSION AND REGULAR MEETING
CITY COUNCIL CHAMBERS
3300 CAPITOL AVENUE, FREMONT

6:00 P.M. WORK SESSION
7:00 P.M. REGULAR MEETING

1. PRELIMINARY

- 1.1 Call to Order
- 1.2 Salute to the Flag
- 1.3 Roll Call
- 1.4 Announcements by Mayor / City Manager

2. ORAL COMMUNICATIONS

[Any person desiring to speak on a matter which is not scheduled on this agenda may do so. The California Government Code prohibits the City Council from taking any immediate action on an item which does not appear on the agenda, unless the item meets stringent statutory requirements. The Mayor will limit the length of presentations (see instructions on speaker card) and each speaker may only speak once on each agenda item.]

*Times Are
Approximate*

3. WORK SESSION ITEM

6:00-7:00 p.m.

3.1 FY 2008/09 MID-YEAR BUDGET REVIEW

Contact Person:

Name:	Catherine Chevalier	Harriet Commons
Title:	Budget Manager	Director
Dept.:	Finance	Finance
Phone:	510-494-4615	510-284-4010
E-Mail:	cchevalier@fremont.gov	hcommons@fremont.gov

Public Comment

REGULAR MEETING – 7:00 P.M.

4. CONSENT CALENDAR – None.

REDEVELOPMENT AGENCY – None.

PUBLIC FINANCING AUTHORITY – None.

CONSIDERATION OF ITEMS REMOVED FROM CONSENT CALENDAR

5. SCHEDULED ITEMS

6. REPORT FROM CITY ATTORNEY

6.1 Report Out from Closed Session of Any Final Action

7. OTHER BUSINESS

7.1 ACQUISITION OF 14.02 ACRES FOR A PUBLIC PARK

Authorize the City Manager to Execute a Purchase Agreement and Any Other Documents Necessary between the City of Fremont and Sabercat Holdings, LLC, for the Acquisition of a 14.02 Acre Parcel (APN 525-0375-003-05), Located Near Sabercat Road and Sabercat Place, for Public Park Purposes

Contact Person:

Name:	Randy Sabado	Norm Hughes
Title:	Real Property Manager	City Engineer
Dept.:	Community Development	Community Development
Phone:	510-494-4715	510-494-4748
E-Mail:	rsabado@fremont.gov	nhughes@fremont.gov

RECOMMENDATIONS:

1. Authorize the City Manager or designee to execute a Purchase Agreement between the City and Sabercat Holdings, LLC, and any other documents necessary to complete the acquisition of a 14.02 acre parcel (APN 525-0375-003-05), located near Sabercat Road and Sabercat Place for park land purposes.
2. Appropriate \$1,112,000 from Fund 542 (Park Dedication Funds AB1600) available fund balance to those funds currently appropriated at 542PWC8311 (Citywide Parkland Acquisition), for a total appropriation of \$2,512,000 for the acquisition of the 14.02-acre property at Sabercat Road (APN 525-0375-003-05).

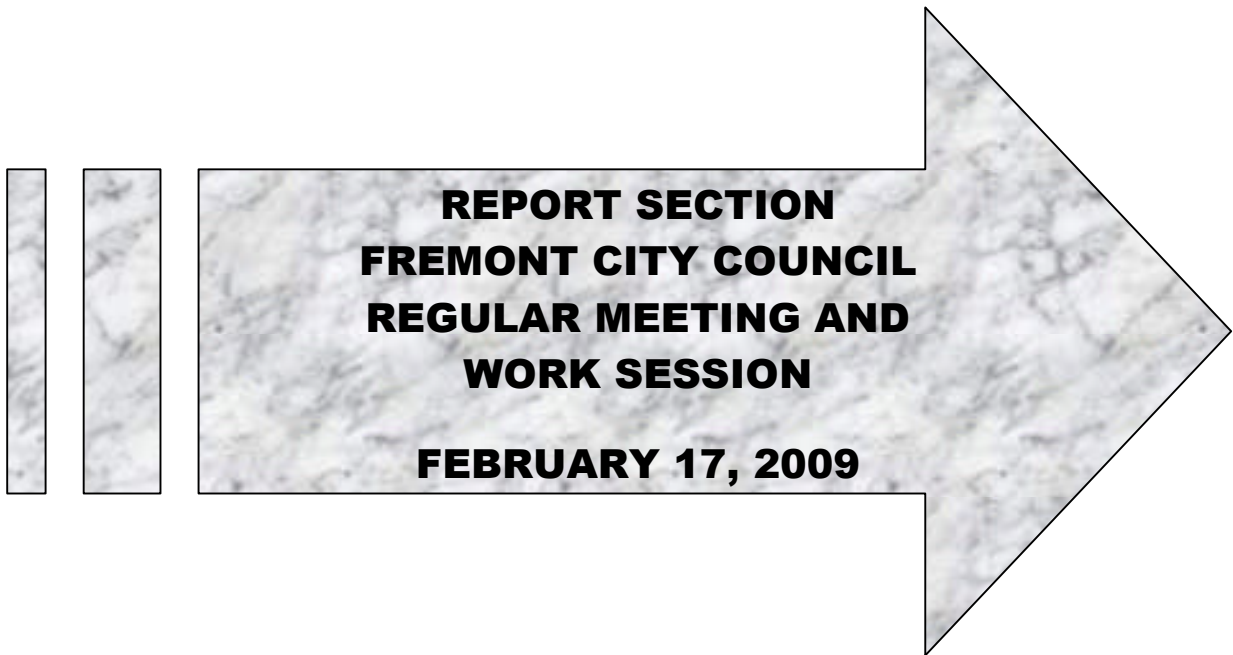
8. COUNCIL COMMUNICATIONS

8.1 Council Referrals

8.1.1 MAYOR WASSERMAN REFERRAL: Appointment of Lisa Quan to the Planning Commission

8.2 Oral Reports on Meetings and Events

9. ADJOURNMENT



**REPORT SECTION
FREMONT CITY COUNCIL
REGULAR MEETING AND
WORK SESSION**

FEBRUARY 17, 2009

3.1 FISCAL YEAR 2008/09 MID-YEAR BUDGET REVIEW

Contact Person:

Name:	Catherine Chevalier	Harriet Commons
Title:	Budget Manager	Director
Dept.:	Finance	Finance
Phone:	510-494-4615	510-284-4010
E-Mail:	cchevalier@fremont.gov	hcommons@fremont.gov

PURPOSE OF THE WORK SESSION: To report to the City Council updated financial information for fiscal year 2008/09 and how that information affects the fiscal year 2009/10 budget and planning for the future.

POLICY ISSUES/ANALYSIS: Staff provides regular updates to the City Council on budget-related matters at least three times a year. The mid-year budget review provides an opportunity to discuss updated revenue information and establish the parameters for next fiscal year's operating budget. The economy continues to be in recession, with no relief likely until FY 2010/11. This is the primary challenge that will influence the preparation of the operating budget proposal for FY 2009/10.

REQUESTED OUTCOME OF THE WORK SESSION: Council discussion of budget information and feedback to staff regarding preparation of the FY 2009/10 budget proposal.

ENCLOSURE: None

6.1 Report Out from Closed Session of Any Final Action

7.1 ACQUISITION OF 14.02 ACRES FOR A PUBLIC PARK

Authorize the City Manager to Execute a Purchase Agreement and Any Other Documents Necessary between the City of Fremont and Sabercat Holdings, LLC, for the Acquisition of a 14.02 Acre Parcel (APN 525-0375-003-05), Located Near Sabercat Road and Sabercat Place, for Public Park Purposes

Contact Person:

Name:	Randy Sabado	Norm Hughes
Title:	Real Property Manager	City Engineer
Dept.:	Community Development	Community Development
Phone:	510-494-4715	510-494-4748
E-Mail:	rsabado@fremont.gov	nhughes@fremont.gov

Executive Summary: This report recommends that the City Council authorize the City Manager to execute a Purchase Agreement between the City and Sabercat Holdings, LLC, and any other documents necessary to acquire a 14.02 acre parcel (APN 525-0375-003-05), located near Sabercat Road and Sabercat Place for park land purposes. To provide the \$2,512,000 necessary for the acquisition and related costs, staff also recommends the City Council approve the appropriation of \$1,112,000 from Fund 542 (Park Dedication Funds) available fund balance to those funds currently appropriated at 542PWC8311 (Citywide Parkland Acquisition),

This report also describes the actions and recommendations of the Planning Commission and Recreation Commission that are relevant to the proposed acquisition.

BACKGROUND:

Property Description: The 14.02-acre project site (see Exhibit A) is undeveloped and characterized by very steep quarried slopes and creek canyons traversing portions of the site, grasslands, and tree lined riparian corridors on both the northern and southern portions of the site. Slopes on the majority of the site generally exceed 30%, with the slopes along the northern and southern boundaries (traversed by gullies) exceeding 50%. Corresponding with extensive slope areas, the majority of the site is located within an earthquake induced landslide zone. Elevations on the site range from 110 feet above sea level (at the base of the gully on the southern portion of the site) to 270 feet above sea level (at the ridge knoll along the easterly property boundary). The northern and southern riparian corridors that traverse the site in an east-to-west direction are known to support a variety of wildlife habitat (e.g., native and non-native trees, birds, and wetland species).

The Antelope Hills Trail terminates at the site's north-easterly boundary. With the acquisition of this property, the City could extend the trail in a loop to connect with a future trail along the site's south-easterly boundary. This trail would provide a westerly connection to Interstate 680 (I-680). With the development of a future trail crossing of I-680 (either over or under the freeway, if feasible), the trail would then provide a connection to the future Irvington BART Station area and the north-to-south trail along the former Union Pacific Railroad corridor leading to Central Park. At the time the trail is constructed (pending the City's ability to secure funding), it is envisioned that it would be paved for both pedestrian and bicycle use, and that interpretative panels would be installed to explain the

important paleontological and historical events that have occurred on the site and surrounding area. See Exhibit B for more information.

Prior to public use of the site, including any proposed trail improvements, a General Plan Amendment is required to change the land use designation from “Residential Very Low, 1 to 2.3 units per acre”, to “Institutional Open Space” (the designation applied to public parks and facilities). The General Plan Amendment would occur at some time in the future.

Background and previous actions: In the early 1940s, a significant fossil find was discovered near the site. The site and surrounding area (including the I-680 right-of-way) were a part of the former Bell Quarry. Fossils found included mammoths, saber toothed cats, mastodons, wolves, giant sloths, short faced cave bears, camelops, western horses, and others. This find was so significant that a new faunal age, the Irvingtonian of the early Pleistocene Epoch, was named after it.

A significant portion of the find was excavated by Hayward teacher Wes Gordon, who worked for over 10 years with a group of young boys, referred to as the “Boy Paleontologists,” to uncover tens of thousands of fossils. In the late 1950s, Gordon persuaded the California Department of Transportation to shift the planned alignment of I-680 to bypass the primary location where remains of the giant short-faced cave bear had been found. In total, over 150,000 specimens were retrieved from the find from the early 1940s through the 1950s. The majority of this collection is housed at U.C. Berkeley, with smaller portions of the collection sent to Ohlone College, Fremont’s Museum of Local History, and the San Lorenzo school at which Gordon worked. In 2004, the Gordon Family and Estate gave a private collection of this find to the Math/Science Nucleus, which displays it at the Children’s Natural History Museum in Fremont.

In the early 1980s, the City pursued purchasing the site as the location for a Nature Center. At that time, the site was designated on the General Plan map as “Institutional Open Space”, “Nature Center”, and “Bike and Foot Trails”. Due to neighborhood opposition, the City Council directed staff to cease the acquisition process, and remove the “Institutional Open Space” and “Nature Center” designations from the General Plan map. Removal of these designations was finalized by Council in 1983 when the site was redesignated as “Open Space”. Council did not, however, remove the “Bike and Foot Trails” designation from the site. Subsequently, the site was redesignated “Residential Very Low Density, 1 to 2.3 units per acre”, as part of the 1991 General Plan Update, thereby providing for the potential development of residential units on the property.

In the early 1990s, the Planning Commission denied a private party request to develop the site with six large-lot single-family residences. In January 1992, the City Council denied the applicant’s appeal of the Planning Commission’s action. Council subsequently directed staff to rezone the site to “Preliminary Planned (P) District”. This is the site’s current zoning.

In 2008, the property owner approached the City about acquiring the site. Because the site provides for preservation of a significant paleontological and historic site, as well as the opportunity to create an important public trail and open space connection, the City Council directed staff to make an offer to acquire the property and conduct the due diligence required for acquisition as a public park.

In November 2008, an offer was made to the property owner and, after some negotiations, the property owner has accepted the City's authorized offer of \$2,500,000 and has signed a Purchase Agreement that contains the standard terms and conditions under which the property will be conveyed to the City.

On February 4, 2009 the acquisition of the Sabercat property was presented to the Recreation Commission. The Recreation Commission voted 7-0 to recommend that the City Council acquire the Sabercat site as a public park.

On February 12, 2009, the Planning Commission found that the acquisition of the Sabercat property conforms to the General Plan. This finding was made pursuant to Government Code Section 65402 (c), which requires that prior to acquiring real property for any purpose, the planning agency of any city or county with an adopted General Plan must report that the location, purpose and extent of the acquisition conforms to the General Plan.

Environmental Review: The acquisition of the 14.02 acre site is categorically exempt from environmental review pursuant to CEQA Guideline 15325(f), Transfers of Ownership in Land to Preserve Existing Natural Conditions, and CEQA Guideline 15316, Transfer of Ownership of Land in Order to Create Parks. However, because the site has some environmental constraints (e.g., steep terrain, creek traversing through it with potentially sensitive biological habitat), prior to construction of the future trail through the site (and any other improvements that may accompany the trail), appropriate environmental analysis would be completed to identify and mitigate, if necessary, any potential environmental impacts.

Funding: The City of Fremont imposes requirements for the dedication of park land or payment of an in lieu fee on residential development. The purpose of these fees is to provide the City with the financial resources necessary to expand and improve the citywide park system to serve the needs of the growing community, and to mitigate the impact on the existing park system caused by use by new residents moving into new housing units.

Section 66477 of the Government Code (commonly referred to as the Quimby Act) establishes procedures for cities and counties to require the dedication of park land or payment of fees in lieu of park land from a residential subdivision. These funds are held in Fund 541. Currently, there is approximately \$12 million in Fund 541.

Sections 66000 et seq. of the Government Code establishes procedures for development impact fees. This legislation (enacted and commonly referred to as AB 1600) empowers the City of Fremont to collect a fee for park land acquisition from developers of non-subdivision residential developments. These monies are held in Fund 542. Currently there is approximately \$4 million in Fund 542.

Therefore, there is approximately \$16 million available for the acquisition of property for public park purposes. The City could use these funds for the current acquisition proposal. Staff recommends the use of the monies in Fund 542 (Park Dedication AB1600) for this acquisition. Staff recommends Council appropriate \$1,112,000 from Fund 542 to the funds currently appropriated in Fund 542PWC8311, for a total appropriation of \$2,512,000 (which includes \$2,500,000 for the land purchase, \$6,000 for estimated escrow and closing costs, and \$6,000 for staff time costs).

ENCLOSURES:

- Exhibit A: Aerial photograph showing the project site and environs
- Exhibit B: Regional Trail Connections map

RECOMMENDATIONS:

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8.1 Council Referrals

8.1.1 MAYOR WASSERMAN REFERRAL: Appointment of Lisa Quan to the Planning Commission

Appointment:

Advisory Body
Planning Commission

Appointee
Lisa Quan

Term Expires
December 31, 2010

ENCLOSURES: Applications on file.

8.2 Oral Reports on Meetings and Events

ACRONYMS

ABAG.....	Association of Bay Area Governments	FEMA.....	Federal Emergency Management Agency
ACCMA	Alameda County Congestion Management Agency	FMC	Fremont Municipal Code
ACE	Altamont Commuter Express	FPD	Fremont Police Department
ACTA	Alameda County Transportation Authority	FRC	Family Resource Center
ACTIA.....	Alameda County Transportation Improvement Authority	FUSD.....	Fremont Unified School District
ACWD.....	Alameda County Water District	GIS	Geographic Information System
ARPAC.....	Ardenwood Regional Preserve Advisory Committee	HARB.....	Historical Architectural Review Board
BCDC	Bay Conservation & Development Commission	HBA	Home Builders Association
CALPERS	California Public Employees' Retirement System	HRC.....	Human Relations Commission
CBD.....	Central Business District	ICAP.....	Integrated Capital Assets Plan
C-C	Community Commercial	ICMA	International City/County Management Association
CC & R's.....	Covenants, Conditions & Restrictions	JPA.....	Joint Powers Authority
CDBG.....	Community Development Block Grant	LLMD	Lighting and Landscaping Maintenance District
CEQA	California Environmental Quality Act	LOCC	League of California Cities
CERT.....	Community Emergency Response Team	LOS	Level of Service
CIP.....	Capital Improvement Program	MOU	Memorandum of Understanding
CMA.....	Congestion Management Agency	NLC.....	National League of Cities
CNG.....	Compressed Natural Gas	NPO.....	Neighborhood Preservation Ordinance
COF	City of Fremont	PC.....	Planning Commission
COPPS.....	Community Oriented Policing and Public Safety	PUC.....	Public Utilities Commission
CSAC.....	California State Association of Counties	PWC	Public Works Contract
CTC	California Transportation Commission	RDA	Redevelopment Agency
DEIR.....	Draft Environmental Impact Report	RFP.....	Request for Proposals
DES	Development & Environmental Services	RFQ.....	Request for Qualifications
DO	Development Organization	ROP	Regional Occupational Program
EBRPD	East Bay Regional Park District	RRIDRO.....	Residential Rent Increase Dispute Resolution Ordinance
EDAB	Economic Development Alliance for Business (County)	RWQCB	Regional Water Quality Control Board
EDAC	Economic Development Advisory Commission (City)	SACNET	Southern Alameda County Narcotics Enforcement Task Force
EIR.....	Environmental Impact Report	STIP.....	State Transportation Improvement Program
EIS	Environmental Impact Statement	TCRDF	Tri-Cities Recycling and Disposal Facility
ERAF.....	Education Revenue Augmentation Fund	TS/MRF.....	Transfer Station/Materials Recovery Facility
FAR	Floor Area Ratio	USD.....	Union Sanitary District
		VT.....	Santa Clara Valley Transportation Authority
		WMA.....	Waste Management Authority
		ZTA	Zoning Text Amendment

**UPCOMING MEETING AND CHANNEL 27
BROADCAST SCHEDULE**

<i>Date</i>	<i>Time</i>	<i>Meeting Type</i>	<i>Location</i>	<i>Cable Channel 27</i>
February 24, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 3, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 10, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 17, 2009	5:30 p.m.	Work Session	Council Chambers	Live
March 24, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
March 31, 2009 (5 th Tuesday)		No Meeting		
April 7, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
April 14, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
April 21, 2009	TBD	Work Session	Council Chambers	Live
April 28, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 4, 2009 (Monday)	4:00 p.m.	Joint City Council/FUSD Mtg.	Council Chambers	Live
May 5, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 12, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
May 19, 2009	TBD	Work Session	Council Chambers	Live
May 26, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 2, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 9, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 16, 2009	TBD	Work Session	Council Chambers	Live
June 23, 2009	7:00 p.m.	City Council Meeting	Council Chambers	Live
June 30, 2009 (5 th Tuesday)		No Meeting		